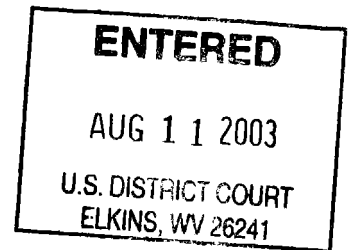


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA



JAMAL ADEEN AZEEZ,

Petitioner,

vs.

CIVIL ACTION NO. 2:00 CV 54
(Maxwell)

WILLIAM S. HAINES,

Respondent.

ORDER

On the 11th day of August, 2003, came the Petitioner, Jamal Adeen Azeez, in person, and by his attorney, Gregory R. Tingler, and came the Respondent, William S. Haines, by his counsel, Jon R. Blevins, Assistant Attorney General for the State of West Virginia, for oral argument on the Petitioner's Motion For Partial Summary Judgment.

Having considered all matters of record and the arguments of counsel for the Petitioner and counsel for the Respondent presented at said hearing, it is the finding of the Court that there is no genuine issue as to any material fact with respect to any of the five claims asserted by the Petitioner in his Motion For Partial Summary Judgment and that the Petitioner is entitled to judgment with regard to each of those five claims as a matter of law. Accordingly, for the reasons more fully expressed on the record, it is

ORDERED that the Petitioner's Motion For Partial Summary Judgment (Docket No. 39) be, and the same is hereby, **GRANTED**. It is further

ORDERED that the Respondent's Renewed Motion To Dismiss (Docket No. 48) be, and the same is hereby, **DENIED**. It is further

ORDERED that the Petitioner shall, forthwith, be released from the custody of the West Virginia Division of Corrections. It is further

ORDERED that all other pending motions in the above-styled *habeas corpus* action, including, but not limited to Petitioner's Motion For Appointment Of Additional Counsel (Docket No. 42); Petitioner's Motion To Interview Grand Jurors (Docket No. 43); Petitioner's Motion To Issue And Serve Subpoenas (Docket No. 44); Petitioner's Motion To Have Grand Jury Tape Analyzed (Docket No. 45); and Petitioner's Motion To Expand Record (Docket No. 46) be, and the same are hereby, **DENIED** as moot. It is further

ORDERED that the Respondent's oral motion seeking a stay of the enforcement of this Order pending consultation with regard to the issue of an appeal of said Order be, and the same is hereby, **DENIED**. It is further

ORDERED that the Petitioner's oral motion seeking vacation and expungement of his conviction and sentence in Raleigh County Circuit Court Criminal Action No. 92-F-342 be, and the same is hereby, **DENIED** as not being properly before the Court in the above-styled *habeas corpus* action. It is further

ORDERED that the Petitioner's oral motion seeking return of the \$25,000.00 appeal bond forfeited in Raleigh County Circuit Court Criminal Action No. 92-F-342 be, and the same is hereby, **DENIED** as not being properly before the Court in the above-styled *habeas corpus* action. It is further

ORDERED that the above-styled *habeas corpus* action is **DISMISSED** and **STRICKEN** from the docket of the Court. It is further

ORDERED that the Clerk of Court shall send a copy of this Order to counsel of

record in the above-styled *habeas corpus* action.

ENTER: August 11th 2003


United States District Judge